

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LOUIS J. CIOFFI, III,

Plaintiff,

vs

1:02-CV-887

AVERILL PARK CENTRAL SCHOOL DISTRICT
BOARD OF EDUCATION; AVERILL PARK HIGH
SCHOOL; AVERILL PARK CENTRAL SCHOOL
DISTRICT; THOMAS P. McGREEVY; and
MICHAEL J. JOHNSON,

Defendants.

APPEARANCES:

COOPER, ERVING & SAVAGE, LLP
Attorneys for Plaintiff
4th Floor
39 North Pearl Street
Albany, New York 12207WHITEMAN, OSTERMAN & HANNA LLP
Attorneys for Defendants
Suite 1900
One Commerce Plaza
Albany, New York 12260DAVID N. HURD
United States District Judge

OF COUNSEL:

PHILLIP G. STECK, ESQ.

BETH A. BOURASSA, ESQ.

ORDER

On April 4, 2008 the United States Court of Appeals for the Second Circuit issued a decision affirming in part and vacating and remanding in part the Memorandum-Decision and Order of September 30, 2004. The Mandate issued on May 1, 2006, and was filed in the Northern District of New York on May 8, 2006.

Accordingly, it is

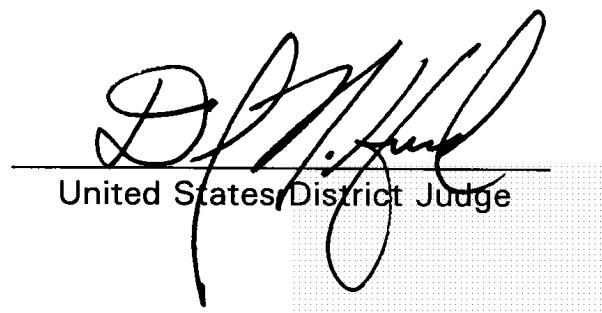
ORDERED, that

1. The Judgment entered on September 30, 2004 is VACATED; and
2. This matter is referred to the assigned Magistrate Judge for a settlement

conference and other proceedings as may be appropriate.

IT IS SO ORDERED.

Dated: May 11, 2006
Utica, New York.



United States District Judge